



SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**PROPOSED AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
AUGUST 24, 2004
9:00 A.M.**

ROLL CALL

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

REGULAR AGENDA

1. Tolls. [William F. Hart, Jr.]
2. I want justice from the Sun Metro bus drivers. They have talked badly about me, yelled at me and argued with me. I never know what will happen and I am fearful. This has been going on for 12 years. [Vicki Magness]
3. Discussion and action on the current status and future of the City-County Health Board. [Dr. John Tune]
4. Cronyism in the City Hall. [Anita Blair]

MAYOR'S PROCLAMATIONS

1. Fiesta de Las Flores Week in El Paso
2. Community Development Block Grant Anniversary Week in El Paso
3. Southwest District Kiwanis Week

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

5. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meetings of July 20 and August 17, 2004; and Special City Council Meeting of August 9, 2004.

6. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

7. RESOLUTIONS:

7A. That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a Portion of Lot 17, Block 1, El Paso International Airport Tracts, Unit 11, El Paso County, Texas, municipally known and numbered as 1771 Shuttle Columbia Drive, El Paso, Texas. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

7B. That the City Attorney is authorized to sign a Subscription Plan Amendment and any other related documents for LexisNexis research service.
[City Attorney's Office, Lisa A. Elizondo, (915) 541-4550]

7C. That the City Council approve the following proposed amendments to Chapter 5, Program for the Rehabilitation of Investor-Owned Properties, of the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director:

1. The method by which funding will be accessed will be changed by deleting the provision that availability will be through participation in a publicly advertised annual request for proposals process found at the top of Page 5-1. Project applications and proposals will be accepted and reviewed on a year-round basis.

2. Section I. Eligibility Requirements. Subsection B. (1) on Page 5-2 is being amended by amending the wording "Must have the highest ranking of the potential projects identified on the Interest List" to read: "Will be ranked among all other potential projects based on the greatest number of points utilizing the following factors (maximum 33 points). Priority in processing will be based on ranking and availability of funds:".

3. Section II. Financing. Subsection A. on Page 5-3 is being amended to include the requirement that the City must have a first lien without exception; and by providing refinancing of existing debt of up to \$5,000.00 per after-rehabilitation unit in order to achieve feasibility and a first lien for the City.

4. Section II. Financing. Subsection C. on Page 5-3 is being amended to read "The funds for the rehabilitation loan and grant will be drawn from the HOME Grant or the Community Development Block Grant." **(All Districts)**
[Community and Human Development, Jaime Herrera, (915) 541-4340]

7D. That the City Council approve the following proposed amendments to Chapter 5, Program for the Rehabilitation of Investor-Owned Properties, of the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director:

1. The method by which funding will be accessed will be changed by

deleting the provision that availability will be through participation in a publicly advertised annual request for proposals process found at the top of Page 5-1. Project applications and proposals will be accepted on a year-round basis but reviewed on a quarterly basis.

2. Section I. Eligibility Requirements. Subsection B. (1) on Page 5-2 is being amended by amending the wording "Must have the highest ranking of the potential projects identified on the Interest List" to read: "Will be ranked among all other potential projects based on the greatest number of points utilizing the following factors (maximum 33 points). Priority in processing will be based on ranking and availability of funds. Applications received will be reviewed and evaluated on a quarterly basis, every September, December, March, and June."

3. Section II. Financing. Subsection A. on Page 5-3 is being amended to include the requirement that the City must have a first lien without exception; and by providing refinancing of existing debt of up to \$5,000.00 per after-rehabilitation unit in order to achieve feasibility and a first lien for the City.

4. Section II. Financing. Subsection C. on Page 5-3 is being amended to read "The funds for the rehabilitation loan and grant will be drawn from the HOME Grant or the Community Development Block Grant." **(All Districts)**
[Community and Human Development Jaime Herrera, (915) 541-4340]

7E. That the Mayor be authorized to sign letters of support to Senators John Cornyn and Kay Bailey Hutchison and Congressmen Silvestre Reyes and Henry Bonilla to restore funding to the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs in the Department of Housing and Urban Development's FY 2005 budget request. **(All Districts)**
[Community and Human Development Anthony Shaar, (915) 541-4897]

7F. That the Mayor be authorized to sign an Assistance Amendment to the El Paso Brownfields Site Assessment Demonstration Pilot Assistance Agreement No. BP-98686001-0 to extend the budget and project period of September 30, 2005. The award amount remains \$200,000, subject to the terms and conditions of the original award, as amended.
[Economic Development, David Dobson, (915) 533-4284]

7G. That the Mayor be authorized to sign an Economic Development Agreement with the El Paso Hispanic Chamber of Commerce for \$140,000 for Fiscal Year 2003-2004, for Economic Development assistance in the City of El Paso. This resolution is subject to the appropriate budget and documentation being submitted to the City's Deputy CAO-Financial Services. **(All Districts)**
[Economic Development, David Dobson, (915) 533-4284]

7H. That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CRISTINA GRIJALVA-GARCIA**, to assist the Museum of Art as a Development Assistant, at an hourly rate of \$13.85, for 30 hours per week. The term of the contract shall be for the period of September 1, 2004 through March 31, 2005. [El Paso Museum of Art, Becky Duval-Reese, (915) 532-1707]

- 7I.** That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **Frank X. Spencer & Associates, Inc.**, for a project known as **“Verdeland Street and Drainage Improvements”**, in an amount not to exceed ONE HUNDRED NINETEEN THOUSAND NINE HUNDRED NINETY-ONE and 60/100 DOLLARS (\$119,991.60). **(District 7)**
[Engineering, Irene Ramirez, (915) 541-4431]
- 7J.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **HYDROGEOLOGY MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5549**. The Grade is **EX F**.
[Human Resources, Terry A. Bond, (915) 541-4509]
- 7K.** That the Classification and Compensation Plan, shall be amended as recommended by the Civil Service Commission. The class of **WATER PLANT ASSISTANT SUPERINTENDENT** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **3410**. The Grade shall be **GS 26**. [Human Resources, Terry A. Bond, (915) 541-4509]
- 7L.** That the Classification and Compensation Plan, shall be amended as recommended by the Civil Service Commission. The class of **WATER PLANT SUPERINTENDENT** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5962**. The Grade shall be **PM 78**. [Human Resources, Terry A. Bond, (915) 541-4509]
- 7M.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PRISCILLA ARMENDARIZ**, to assist the Information Technology Department as a User Support Specialist at an hourly rate of \$13.50 for 20 hours per week. The term of the contract shall be for the period of August 24, 2004 through August 23, 2005. [Information Technology, Tony Montoya, (915) 541-4288]
- 7N.** That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit of photos and postcards of “Smelter-town” at the Main Library of the El Paso Public Library System for the period of September 1 through 30, 2004. This exhibition is at no cost to the City. **(District 8)**
[Library, Carol A. Brey-Casiano, (915) 543-5406]
- 7O.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SUSANA C. SALAS**, to assist the Mayor and City Council as a Secretary I at an hourly rate of \$9.97 for 40 hours per week. The term of the contract shall be for the period of July 28, 2004 through June 14, 2005.
[Mayor & Council, Jim Martinez, (915) 541-4015]

- 7P.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROSA ISELA MORALES**, to assist the Mayor & City Council as a Staff Assistant at a biweekly rate of \$1,193.60 for 40 hours per week. The term of the contract shall be for the period of August 29, 2004 through June 14, 2005. Contract subject to the concurrence of the Civil Service Commission.
[Mayor & Council, Jim Martinez, (915) 541-4015]
- 7Q.** Assigning all duties, responsibilities or obligations previously assigned to the Chief Administrative Officer to the City Manager and assigning all duties, responsibilities or obligations previously assigned to a Deputy Chief Administrative Officer to a Deputy City Manager.
[Mayor & Council, Jim Martinez, (915) 541-4015]
- 7R.** That Building and Planning Services be authorized to negotiate, the City Attorney's Office be authorized to review, and the Mayor be authorized to sign a LOCAL PROJECT ADVANCE FUNDING AGREEMENT for the Border Wizard Software Program by and between the Texas Department of Transportation ("TXDOT") and the City of El Paso ("City"), as the fiscal agent for the Metropolitan Planning Organization; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.
[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735 Ext. 13]
- 7S.** That the Mayor is hereby authorized to sign, on behalf of the City, a Lease Agreement between BRENDA LYON, Lessor, and THE CITY OF EL PASO, Lessee. Said Lease is for fifty-six (56) parking spaces located at 216 South Ochoa Street, El Paso, El Paso County, Texas and adjacent to the Municipal Court facility in downtown El Paso. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 7T.** That the Mayor be authorized to sign a contract between the City of El Paso and Helen Jamison, County Elections Administrator of El Paso County, at an estimated cost of \$51,897, to provide election services and equipment for the November 2, 2004 Special City Election.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 7U.** That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

ACOSTA SPORTS CENTER**DEPARTMENT ID: 51010215, ACCOUNT 502215**

- | | | |
|----|--------------|--|
| 1. | CONTRACTOR: | Esteban Raya, Score Keeper for Basketball & Football |
| | DATES: | September 11, 2004 through August 31, 2005 |
| | RATE PER CL: | \$12.00 |
| | MAXIMUM AMT: | \$1,500.00 |
| | CONTRACT: | 2004/2005-055 |

CAROLINA RECREATION CENTER**DEPARTMENT ID: 51510073, ACCOUNT 502214**

2. CONTRACTOR: Christopher R. Orozco, Gymnastics Instructor
DATES: September 01, 2004 through August 31, 2005
RATE PER CL: \$9.55
MAXIMUM AMT: \$5959.20
CONTRACT: **2004/2005-056**

LEONA FORD WASHINGTON COMMUNITY CENTER**DEPARTMENT ID: 51510081, ACCOUNT 502214**

3. CONTRACTOR: Anita Martell, Aerobic Instructor
DATES: September 01, 2004 through August 31, 2005
RATE PER CL: \$8.50
MAXIMUM AMT: \$1,700.00
CONTRACT: **2004/2005-057**

NATIONS-TOBIN CENTER**DEPARTMENT ID: 51510099, ACCOUNT 502215**

4. CONTRACTOR: Christopher Jimenez, Inline Hockey Referee
DATES: September 01, 2004 through February 28, 2005
RATE PER CL: \$6.00
MAXIMUM AMT: \$1200.00
CONTRACT: **2004/2005-058**
5. CONTRACTOR: Jaime Rodriguez, Jr., Inline Hockey Referee
DATES: September 01, 2004 through February 28, 2005
RATE PER CL: \$6.00
MAXIMUM AMT: \$1200.00
CONTRACT: **2004/2005-059**

SAN JUAN RECREATION CENTER**DEPARTMENT ID: 51510123, ACCOUNT 502214**

6. CONTRACTOR: Arturo Saldana, Music Instructor
DATES: September 01, 2004 through March 31, 2005
RATE PER CL: \$8.00
MAXIMUM AMT: \$1,040.00
CONTRACT: **2004/2005-060**

- 7V.** That the Mayor be authorized to sign all necessary documents to apply for and accept a grant for the City of El Paso Police Department for a COPS Secure our Schools Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), in the amount of \$50,000.00 for the purpose of funding 2 civilian positions to provide training and coordination with local school districts and other agencies regarding a public safety response program; and that the Mayor be authorized to execute on behalf of the City of El Paso, any

grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required and any documents to request and accept an extension of the award ending date for the grant. Matching funds in the amount of \$50,000.00 will be provided through confiscated funds. [Police Department, Interim Assistant Chief Paul Cross, (915) 564-7310]

- 7W.** That the Mayor be authorized to sign an interlocal governmental agreement between the City of El Paso and the Ysleta Independent School District (YISD) for the furnishing of twenty police officers for the School Resources Officer Program to be conducted within the YISD during the school year 2004-2005 with an option to extend through summer school 2005; payment will be received from the YISD for twelve of the officers in an amount equal to 50% of each officer's salary and benefits for the actual number of days each officer works in the Program, and the salaries for eight officers will be paid from COPS in Schools grants from the U.S. Department of Justice, Office of Community Oriented Policing Services.
[Police Department, Interim Assistant Chief Paul Cross, (915) 564-7310]
- 7X.** That the Mayor be authorized to sign an Agreement with DESIGNER'S MART to provide One (1) Four cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. **(District 3)** [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
- 7Y.** That the Mayor be authorized to sign an Agreement with ANDALE TAQUERIA to provide One (1) Four (4) cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. **(District 6)** [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
- 8. REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
- 8A.** Shouse, Mark – Firefighter
[Fire Department, Chief Roberto Rivera, 771-1000]
- 8B.** Palacio, Jr., Robert P. - Transit Communication Dispatcher
[Mass Transit, Terry Lee Scott, (915) 534-5810]
- 8C.** Howell, Erica - Police Records Specialist II
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 8D.** Porras, Javier - Automated Refuse Collection Operator
[Solid Waste Management, Ellen Smyth, (915) 621-6702]
- 8E.** Valadez, Ricardo - Collection Assistant Route Foreman
[Solid Waste Management, Ellen Smyth, (915) 621-6702]

9. STAFFING TABLE CHANGES:

Mayor & Council
 Delete 1.00 - Administrative Assistant GS 23
 [Mayor & Council, Jim Martinez, (915) 541-4015]

10. BOARD APPOINTMENTS:

Appointment of Jody Todd to the El Paso Mountain Committee by Representative Robert A. Cushing, Jr., District 2 (serving an un-expired term).
 [Representative Robert A. Cushing, Jr., (915) 541-4416]

11. Request that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]

11A. PID #0823-999-1037-0038, \$356.34 per month installments on a balance of \$3,207.06 for 2000, 2001, 2002 & 2003 taxes; American Southwest Iron Works % Felipe Hernandez – 5956 Doniphan. **(District 1)**

11B. PID #S562-003-0550-1700, \$194.04 per month installments on a balance of \$2,328.48 for 1996, 1999, 2000, 2001 & 2002 taxes; Luis E. Morales – 12995 Bowdoin Dr. **(District – County)**

11C. PID #W145-999-0250-3500, \$264.50 per month installments on a balance of \$3,174.00 for 2003 taxes; Sergio & Eva Bustamante – 793 Colchester Dr. **(District 1)**

11D. PID #'s 2000-999-0658-0042 & F175-999-0010-1510, \$1,575.43 per month installments on a balance of \$18,905.16 for 2003 taxes; Burger King % Latorre Enterprises – 9521 Alameda. **(District 6)**

12. DISCRETIONARY FUNDS:

Request authorization to allocate \$2,350.00 from District #3 Discretionary Funds to provide a speed hump on Franklin and Dale Road.
 [Representative Jose Alexandro Lozano, (915) 541-4515]

13. Request that Council authorize the Director of Purchasing, on the issuance of an Emergency Purchase Order to R.T.C., Inc. in the amount of \$32,920.00 for emergency repairs of communication equipment located on the 7th Floor of City Hall.

The emergency repairs were necessary because of unforeseen damage to equipment and to protect the public health and safety of the City's residents are exempt from the competitive bidding requirements of Chapter 252 of the Local Government Code ("The Bid Statute").

Award amount: \$32,920.00

Funds available: 39010351-01101-502202
 Funding Source: Operating Funds, Information Services, Service Contracts.
 Department: Information Technology
 [Purchasing, Ray Heredia, (915) 541-4316]

- 14.** Approve the following Change Orders to C.F. Jordan L.F. for "EPIA Consolidated Security Checkpoint & Terminal Apron project":

Change Order No. 17 (Construction Change) for an increase amount of \$342,934.09. The purpose of this change order is to provide and install four revolving doors with modifications to existing finishes and systems as required (per Proposal Request 24).

Change Order No. 18 (Construction Change) for an increase amount of \$40,850.32. The purpose of this change order is:

Item 1: Provide and install 14,000 lf of Cat5e cable for communication from checkpoint area to TSA offices (per Proposal Request 8A) \$ 17,239.98.

Item 2: Furnish and install additional items needed for TSA communication lines to include connectors, patch panel, IT rack, etc. (per Proposal Request 29) \$23,610.34.
 [Purchasing, Byron E. Johnson, (915) 541-4313]

15. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Bid No.: 2004-226 Washing of Heavy Duty Equipment (Rebid)
 Award to: A & E Truck & Car Wash
 El Paso, TX
 Item (s): All
 Amount: \$150,000.00 (estimated yearly)

Department: Fleet Services
 Funds available: 37370510-45202-503125
 Funding source: Fleet Services-Inventory Sales-Equipment Outside Repairs
 Total award: \$450,000.00 (estimated)
District (s): All

The Fleet Services Department and Purchasing Departments recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with the option to extend the term of the contract one additional year. [Purchasing, Ray Heredia, (915) 541-4316]

16. BUILDING PERMITS AND INSPECTIONS - REFUNDS:

Building Permit refund to Eva S. Bustamante in the amount of \$135.00.
 [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

17. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 17A.** Andress High School to hold a marchathon on September 18, 2004 from 6:00 p.m. to 8:00 p.m. Route: Start on Andress High School, left on Sun Valley, right on Mackinaw, left on Donald, right on Rushing, left on Sagittarius, right on Sigma, left on Trojan, right on Salem, left on Capt. Valtr, right on Round Rock, right on Rushing, left on Wadsworth, right on Van Horn, right on Murphy, right on Salem, left from Fannin School on Salem, right on Kendall, left on Dearborne, right on Alcan, right on Sun Valley to Andress parking lot. Approximately 170 persons, 3 vehicles will take part, and 1,000 spectators are anticipated. This request includes permission to use amplification (bullhorn). PERMIT NO. 04-083 **(District 4)** [Martha Trevizo]
- 17B.** Cornerstone Fellowship to use amplification (2 speakers, 2 amps-400 watts) at the Wellington Chew Park-4430 Maxwell Ave. on August 27, 2004 from 7:00 p.m. to 9:00 p.m. for a youth evangelistic project. Approximately 15 persons will take part and 60 spectators are anticipated. PERMIT NO. 04-084 **(District 2)** [Hugo Garcia]
- 17C.** O'Shea Elementary School to hold a walking parade on September 10, 2004 from 9:00 a.m. to 10:45 a.m. Route: Start on the O'Shea Elementary parking lot to Leroy Bonse, turn left on Leroy Bonse to Bunk Henry, turn left on Bunk Henry to the Slider Middle School, exit the school to Saul Kleinfeld, turn left on Saul Kleinfeld to Gwen Evans, turn left on Gwen Evans to Gus Moran, turn right on Gus Moran to Teachers, turn left on Teachers and finish at the O'Shea Elementary parking lot. Approximately 950 persons will take part. This request includes permission to use amplification (1 or 2 megaphones) PERMIT NO. 04-085 **(District 5 & 6)** [Richard Ryan]
- 17D.** Recovery Alliance to hold a walk on September 11, 2004 from 8:00 a.m. to 9:00 a.m. Route: Start on Stockwell to Moore, turn right on Moore to Piedmont, turn right on Piedmont to Robinson, turn left on Robinson to Scenic Drive, proceed to flag pole area, turn around Scenic Drive to Rim Rd., turn right on Rim Rd., to Stanton, turn right on Stanton and finish at Stockwell. Approximately 200 persons, 1 vehicle will take part and 75 spectators are anticipated. PERMIT NO. 04-086 **(District 1 & 8)** [Rusty Broughton]

- 17E.** Westside Community Church to use amplification (4 speakers & 8 microphones) at Francisco Delgado Park-7020 Imperial Ridge Drive on October 9, 2004 from 12:00 p.m. to 4:00 p.m. Approximately 15 persons will take part and 500 spectators are anticipated. PERMIT NO. 04-087 **(District 1)** [Joe Williams]

REGULAR AGENDA

18. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

- 18A.** An ordinance granting a special privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Ave. between Mesa Street and Stanton Street for a "Tail Gate Party," celebration on Saturday, September 11, 2004 and Sunday, September 12, 2004.

[Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]

- 18B.** An ordinance granting a special privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Ave between Mesa Street and Stanton Street for an "Ice Cream Social," celebration on Sunday, September 12, 2004.

[Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]

- 18C.** An ordinance granting a special privilege authorizing the temporary closure of a portion of Franklin Street between Oregon Street and El Paso Street for a "Chile Cook Off" celebration on Sunday, September 12, 2004. Street closure shall commence at 8:00 a.m. on September 12th with the affected area reopening at 5:00 a.m. on September 13th.

[Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]

- 18D.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), To create Chapter 13.30 (Film-making Events), of the El Paso Municipal Code; To create provisions for the issuance of permits for certain types of uses of streets, alleys and other areas owned by the City; To establish criteria for the Consideration, Issuance and Revocation of the Permits; To provide for the issuance of permits; To establish fees; To provide for an appeal process, and To Create duties for Permittees and Participants; the penalty being as provided in Section 13.30.110 of the Municipal Code. **(All Districts)**

[Economic Development, David Dobson, (915) 533-4284]

- 18E.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited During Certain Hours on Certain Streets.) Paragraph 12.88.040 (J) (No Parking, 7:00 a.m. to 4:00 p.m.) To Include New Locations on Elon Lane, Mark Wallace Lane, McVeigh Way, and Sam Horrell Way. The Penalty as Provided In Section 12.84.010 Of The El Paso Municipal Code. **(District 1)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 18F.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 12, Eligible Lists, Section 8, Removal on Account of Non-Appointment, to clarify when an employee is charged with a non-appointment.
[Human Resources, Terry A. Bond, (915) 541-4509]
- 18G.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 6, Certification, to change certification procedures and the certification order. [Human Resources, Terry A. Bond, (915) 541-4509]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 7, 2004 FOR ITEMS 18A – 18G

- 18H.** An Ordinance changing the zoning of Tract 4B, Block 29, Ysleta Grant, El Paso, El Paso County, Texas (220 Lafayette Drive) and all of Lot 3, Block 1, White Oaks Subdivision from R-F (Ranch/Farm) TO R-3 (Residential) The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Chavez. ZON04-00080. **(District 7)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 18I.** An Ordinance changing the zoning of Parcel 1: Tract 16E, 16E2, 16H2 and a portion of Tract 16H, George L. Wilson Survey No. 91, El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial); and Parcel 2: Tract 16A and a portion of Tract 16H, George L. Wilson Survey No. 91, El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo Munoz. ZON04-00081 **(District 8)**
[Planning, Research and Development, Fred R. Lopez, (915) 541-4925]
- 18J.** An Ordinance changing the zoning of Parcel 1: A portion of Tract 1F, Block 80, Section 41, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from M-1/sc (Light Manufacturing/special contract) to A-2/sc (Apartment/special contract); and Parcel 2: A portion of Tract 1F, Block 80, Section 41, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from M-1/sc (Light Manufacturing/special contract) to C-3/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. ZON04-00084 **(District 4)**
[Planning, Research and Development, Fred R. Lopez, (915) 541-4925]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2004 FOR ITEMS 18H –18J

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

19. MAYOR AND COUNCIL:

- 19A.** Discussion and action on a Resolution that the Mayor be authorized to sign the Amendment to Tax Increment Finance District No. 1 Termination Agreement by and between the City of El Paso, the County of El Paso, the El Paso Independent School District, the El Paso County Hospital District and the El Paso County Community College District allowing the City of El Paso to utilize the remaining fund balance in the TIF No. 1 fund in connection with the History Museum to be constructed by the City of El Paso as part of the Cleveland Square Project. [Mayor & Council, Adrian Ocegueda, (915) 541-4145]
- 19B.** Discussion and action on establishing a private/public sector ad hoc committee to investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, with a direction to define these natural occurrences and what effects, if any, could be associated with residential/commercial development proximate to same. To further investigate Southwestern cities that have similar natural occurrences, and review any and all ordinances/statutes that may have been developed at a municipal and/or county/state/federal level to address these issues, and work with the office of the City Attorney to return to Council with an appropriate ordinance within sixty (60) days. [Mayor Pro Temp Anthony W. Cobos, (915) 541-4123 and Representative Robert A. Cushing, Jr., (915) 541-4996]
- 19C.** Discussion and action on Burlington Northern Santa Fe Railroad crossing on Doniphan and SWIG. [Mayor Pro Tempore Anthony W. Cobos, (915) 541-4123]

20. BUILDING AND PLANNING SERVICES:

Discussion and action on a Resolution that the Mayor be authorized to sign a CONDUIT UNDER TRACK AGREEMENT, attached as Exhibit "A", between the Texas Department of Transportation ("TxDOT"), the Union Pacific Railroad Company ("Railroad") and the City of El Paso ("City"), for the use of property under the track of the Railroad by the City and TxDOT to install conduit and conductor cable to provide for traffic light synchronization. [Building & Planning Services, Patricia D. Adauto, (915) 541-4853]

21. CITY ATTORNEY'S OFFICE:

Discussion and Action on Statement of Intent of Texas Gas Service Company to Change Rates to implement Gas Reliability Infrastructure Program, Implement an Economic Development Rate Schedule EDR, and Amend Cost of Gas Clause to change hedging provisions, and amend Transportation Schedules to add Balancing Provisions. [Norman Gordon, (915) 541-2000]

22. FINANCIAL AND ADMINISTRATIVE SERVICES:

- 22A.** Public Hearing on the Proposed Budget for the City of El Paso for the Fiscal Year 2004-2005. [Financial and Administrative Services, William A. Chapman, and Office of Management and Budget, David Almonte, (915) 541-4011]

- 22B.** Discussion and action on a Resolution that the Proposed Budget for the City of El Paso, filed by the Mayor with the City Clerk on July 1, 2004, is hereby approved and adopted by the City Council, as amended, as the Annual Budget for the Fiscal Year 2004-2005 for the City of El Paso.

[Financial and Administrative Services, William A. Chapman, and Office of Management and Budget, David Almonte, (915) 541-4011]

23. MUNICIPAL CLERK:

Discussion and action on the adoption of a Resolution calling for a special election for the election in the City of El Paso of a District Representative for District No. 5.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

24. PLANNING, RESEARCH AND DEVELOPMENT:

Discussion and action on a Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership. **(District 1)**

[Planning, Research & Development, Rudy Valdez, 541-4635]

POSTPONED FROM 08/17/04, 08/10/04, 07/27/04, 07/13/04, 07/07/04, AND 06/29/04

25. PUBLIC HEARINGS – MAYOR & COUNCIL:

- 25A.** An Ordinance amending Ordinance No. 14171, to redesignate the officer for public information for the City of El Paso; and to clarify the application of the charges set forth in Ordinance No. 14171.

[Mayor & Council, Jim Martinez, (915) 541-4015]

- 25B.** An Ordinance repealing Ordinance Nos. 15529 and 15185 and establishing a new Ordinance that creates and establishes the duties of the Building and Planning Services Department. [Mayor & Council, Jim Martinez, (915) 541-4015]

- 25C.** An Ordinance repealing Ordinance Nos. 15546 and 15186 and establishing a new Ordinance that creates and establishes the duties of the Municipal Services Department. [Mayor & Council, Jim Martinez, (915) 541-4015]

- 25D.** An Ordinance repealing Ordinance Nos. 15531, 15239 and 15184 and establishing a new Ordinance that creates and establishes the duties of the Financial and Administrative Services Department.

[Mayor & Council, Jim Martinez, (915) 541-4015]

- 25E.** An Ordinance repealing Ordinance Nos. 15530 and 15187 and establishing a new Ordinance that creates and establishes the duties of the Quality of Life Services Department. [Mayor & Council, Jim Martinez, (915) 541-4015]

- 25F.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); Section 2.92.050 (Standards of Conduct) to change the reference to the Chief Administrative Officer to the City Manager; the penalty being as provided in Sections 2.92.090 and 1.08.010 - 1.08.030 of the El Paso Municipal Code.

[Mayor & Council, Jim Martinez, (915) 541-4015]

- 25G.** An Ordinance to Amend Title 15 (Public Services), by amending Chapter 15.08 (Street Rentals), Section 15.08.012 (Application for Franchise) to revise Subsection 15.08.012.A; and Section 15.08.013 (Assignment of Franchise), to revise Subsection 15.08.013A, to change the references to the position of Chief Administrative Officer to the City Manager.

[Mayor & Council, Jim Martinez, (915) 541-4015]

- 25H.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention); Section 18.60.420 (Designation of the Floodplain Administrator), Section 18.60.430 (Duties and Responsibilities of the Floodplain Administrator), Section 18.60.440 (Duties and responsibilities of the Deputy Chief Administrative Officer) and Section 18.60.450 (Duties and Responsibilities of the Street Director) of the El Paso Municipal Code.

[Mayor & Council, Jim Martinez, (915) 541-4015]

26. PUBLIC HEARINGS – BUILDING PERMITS & INSPECTIONS:

- 26A.** Public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

(District 7) [Building Permits & Inspections, Tom Maguire, (915) 541-4588]

- 26B.** An ordinance granting a special privilege to AT&T Corporation permitting the encroachments onto public rights-of-way with two (2) one point nine inch (1.9") subsurface Inner-ducts (PVC pipes), two (2) subsurface Four Foot by Four Foot (4"X4") concrete manholes, and, one (1) subsurface three quarter inch (3/4") fiber optic cable along Magoffin Avenue between Ochoa Street and Campbell Street, Ochoa Street between Magoffin Avenue and Myrtle Avenue, and along Myrtle Avenue between Ochoa Street and Campbell Street. (SP-04021, Total Annual Fee: \$2,640.00) **(District 8)**

[Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]

27. PUBLIC HEARINGS – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:

- 27A.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule I -- One-Way Streets) To add a new location on Boston Avenue, Westbound from Campbell Street to Kansas Street

(District1) [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 27B.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add New Locations on Geranium Drive from Zaragoza Road to a Point 200 Feet East, Both Sides and On Cristo Viene Drive From Zaragoza Road to a Point 150 Feet West, Both Sides. The Penalty Being as Provided in Section 12.84.010 of the El Paso Municipal Code. **(Districts 6 & 7)**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 27C.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add A New Location on Lee Elder Drive From Montwood Drive to a Point 280 Feet North, Both Sides. The Penalty Being as Provided In Section 12.84.010 Of The El Paso Municipal Code. **(District 5)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 27D.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add New Locations On Robert Wynn Street From Montwood Drive to a Point 210 Feet North, Both Sides. And On Robert Wynn Street from Montwood Drive to a Point 370 Feet South, Both Sides. The Penalty Being as Provided in Section 12.84.010 Of The El Paso Municipal Code. **(District 5)** [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 27E.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection K (Speed Limits On Interstate Highway 10) Of The El Paso Municipal Code, To Temporarily Reduce The Existing Speed Limit of 60 M.P.H. To 50 M.P.H. On IH-10, Both Directions From Executive Center to US 62/180 (Paisano Drive) For the Duration of The IH-10 From Executive Center to US 62/180 (Paisano) Construction Project. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code. **(District 8)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

28. PUBLIC HEARINGS – HUMAN RESOURCES:

- 28A.** An ordinance amending Ordinance 8064, Civil Service Rules and Regulations, to change references made to the Chief Administrative Officer and Mayor to the City Manager as necessitated by the transition to a Council-Manager form of government. [Human Resources, Terry A. Bond, (915) 541-4509]
- 28B.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, to change references made to the Chief Administrative Officer and Mayor to the City Manager as necessitated by the transition to a Council-Manager form of government. [Human Resources, Terry A. Bond, (915) 541-4509]

29. PUBLIC HEARING – OFFICE OF MANAGEMENT AND BUDGET:

An Ordinance establishing the functions of the Department known as the City Manager's Office. [Office of Management and Budget, David Almonte, (915) 541-4011]

30. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

- 30A.** An Ordinance changing the zoning of a portion of Tract 225, Sunrise Acres No. Two, El Paso, El Paso County, Texas (4650 Vulcan Drive) from R-4 (Residential) to A-M (Apartment-Mobile Home Park). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Martha P. Yee / Representative: Luis De La Cruz, 9013 Lait Drive, El Paso, TX 79925. ZON04-00045 **(District 2)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 30B.** An Ordinance changing the zoning of a Portion of Tract 1, Section 44, Block 79, Township 2, T & PRRC Surveys, El Paso, El Paso County, Texas (Northwest of the intersection of Pebble Hills and Loop 375) from R-3 (Residential) to C-3 and C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00067. Applicant: River Oaks Properties / Representative: SLI Engineering, Inc., 6600 Westwind, El Paso, TX 79912. **THIS IS AN APPEAL CASE. (District 5)**
[Planning, Research and Development, Kimberly Forsyth, (915) 541-4631]
- 30C.** An Ordinance granting Special Permit No. ZON04-00004 to satisfy parking requirements for Parcel I, described as a 49.4544 Acre Portion of Tract 3A, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas; by allowing off-site off-street parking on Parcel 2, described as Tract 1-A-1, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas, pursuant to Section 20.12.040. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Canutillo Independent School District / Representative: Dimensions Architects International, 4150 Rio Bravo, Suite 102, El Paso, TX 79902 **(District 1)**
[Planning, Research and Development, Kimberly Forsyth, (915) 541-4631]
- 30D.** An Ordinance changing the zoning of Lots 1 and 2, Block 87, East El Paso, El Paso, El Paso County, Texas (3501 Yandell) from R-5 (Residential) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00059. Applicant: Raul Mijares / Representative: Kistenmacher Engineering, Inc., 1420 Geronimo, Suite A-2, El Paso, TX 79925 **(District 8)**
[Planning, Research and Development, Kimberly Forsyth, (915) 541-4631]
- 30E.** An Ordinance changing the Zoning of Tract 26-A, Block 29, Ysleta Grant, El Paso, El Paso County, Texas, (108 Seneca Drive) from C-3 (Commercial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Cobos; Representative: Jesus Jaime; 436 Bahia Kino, El Paso, TX 79915. ZON04-00075 **(District 7)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

31. PUBLIC HEARING – PURCHASING:

An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying 21,000 square feet, more or less, being Lots 1-6 and the South 19 feet of Lot 7, Block 198, Campbell Addition, El Paso, El Paso County, Texas, and commonly referred to as 210 S. Campbell St., El Paso, El Paso County, Texas, to the County of El Paso. [Purchasing Department, Byron Johnson, (915) 541-4308]

- 32.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

32A. Subrogation Interest Regarding Dale Munoz (551.071)
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY
AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov>